

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

BOBBY RAY KINNARD, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-07-802-D
	)	
KAY COUNTY JAIL, <i>et al.</i> ,	)	
	)	
Defendant.	)	

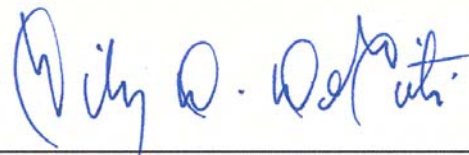
**ORDER OF DISMISSAL**

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Roberts recommends dismissal of the case without prejudice due to Plaintiff's failure to pay the filing fee and failure to show cause for his noncompliance with the order requiring payment of an initial partial fee pursuant to 28 U.S.C. § 1915(b)(1). Plaintiff has neither filed a timely objection to the Report nor requested additional time to object.

Due to the lack of objection, the Court finds that Plaintiff has waived further review of the Report. For this reason, and because the initial filing fee remains unpaid, the Court concurs in Judge Roberts' recommendation.

Therefore, the Court adopts the Report and Recommendation [Doc. 7] in its entirety. The case is DISMISSED without prejudice to refiling for failure to pay the required fee.

Entered this 27<sup>th</sup> day of September, 2007.



---

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE